

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1581

Introduced by Assembly Member Garcia

February 22, 2005

An act to amend Section ~~530~~ 530.5 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, Garcia. Identity theft.

~~Existing law makes it a felony or misdemeanor, to falsely personate another, or obtain the personal identifying information, of another as defined, and use it for any unlawful purpose. Existing law also provides for a person who believes he or she is a victim of identity theft to initiate a law enforcement action, to have access to certain information as specified, and the Department of Justice is required to maintain a database of individuals who have been victims of such an offense.~~

~~This bill declares the Legislature's intent to protect the citizens of California from identity theft.~~

~~This bill also makes a technical, nonsubstantive change to the false personation provision.~~

Existing law makes it a felony or misdemeanor to willfully obtain the personal identifying information of another person and use it unlawfully, including to obtain credit, goods, or services. Further, existing law makes it a misdemeanor to acquire, transfer, or retain the personal information of another with the intent to defraud.

This bill would make it a felony or a misdemeanor to acquire, transfer, or retain the personal information of 2 or more persons with the intent to defraud.

Because this bill would expand the definition of a crime it imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to amend the~~
2 ~~identity theft provisions.~~

3 SECTION 1. Section 530.5 of the Penal Code is amended to
4 read:

5 530.5. (a) Every person who willfully obtains personal
6 identifying information, as defined in subdivision (b), of another
7 person, and uses that information for any unlawful purpose,
8 including to obtain, or attempt to obtain, credit, goods, services,
9 or medical information in the name of the other person without
10 the consent of that person, is guilty of a public offense, and upon
11 conviction therefor, shall be punished either by imprisonment in
12 a county jail not to exceed one year, a fine not to exceed one
13 thousand dollars (\$1,000), or both that imprisonment and fine, or
14 by imprisonment in the state prison, a fine not to exceed ten
15 thousand dollars (\$10,000), or both that imprisonment and fine.

16 (b) "Personal identifying information," as used in this section,
17 means the name, address, telephone number, health insurance
18 identification number, taxpayer identification number, school
19 identification number, state or federal driver's license number, or
20 identification number, social security number, place of
21 employment, employee identification number, mother's maiden
22 name, demand deposit account number, savings account number,
23 checking account number, PIN (personal identification number)
24 or password, alien registration number, government passport
25 number, date of birth, unique biometric data including
26 fingerprint, facial scan identifiers, voice print, retina or iris
27 image, or other unique physical representation, unique electronic

1 data including identification number, address, or routing code,
2 telecommunication identifying information or access device,
3 information contained in a birth or death certificate, or credit card
4 number of an individual person.

5 (c) In any case in which a person willfully obtains personal
6 identifying information of another person, uses that information
7 to commit a crime in addition to a violation of subdivision (a),
8 and is convicted of that crime, the court records shall reflect that
9 the person whose identity was falsely used to commit the crime
10 did not commit the crime.

11 (d) Every person who, with the intent to defraud, acquires,
12 transfers, or retains possession of the personal identifying
13 information, as defined in subdivision (b), of another person is
14 guilty of a public offense, and upon conviction therefor, shall be
15 punished by imprisonment in a county jail not to exceed one
16 year, or a fine not to exceed one thousand dollars (\$1,000), or by
17 both that imprisonment and fine.

18 (e) *Every person who, with the intent to defraud, acquires,*
19 *transfers, or retains possession of the personal identifying*
20 *information, as defined in subdivision (b), of two or more*
21 *persons is guilty of a public offense, and upon conviction*
22 *therefor, shall be punished either by imprisonment in a county*
23 *jail not to exceed one year, a fine not to exceed one thousand*
24 *dollars (\$1,000), or both that imprisonment and fine, or by either*
25 *imprisonment in the state prison, a fine not to exceed ten*
26 *thousand dollars (\$10,000), or both that imprisonment and fine.*

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the*
32 *penalty for a crime or infraction, within the meaning of Section*
33 *17556 of the Government Code, or changes the definition of a*
34 *crime within the meaning of Section 6 of Article XIII B of the*
35 *California Constitution.*

36 ~~SEC. 2. Section 530 of the Penal Code is amended to read:~~

37 ~~530. Every person who falsely personates another, in either~~
38 ~~his or her private or official capacity, and in such assumed~~
39 ~~character receives any money or property, knowing that it is~~
40 ~~intended to be delivered to the individual so personated, with~~

1 ~~intent to convert the same to his or her own use, or to that of~~
2 ~~another person, or to deprive the true owner thereof, is~~
3 ~~punishable in the same manner and to the same extent as for~~
4 ~~larceny of the money or property so received.~~

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